

## **REMARKS**

Claims 1, 4 – 6, 10 – 15, 17, and 18 are in the application. Claims 1, 10, 17, and 18 are currently amended; claims 7 – 9, 16, and 19 have been canceled; claims 11 – 13 were previously presented; and claims 4 – 6, 14, and 15 remain unchanged from the original versions thereof. Claims 1, 10, 17, and 18 are the independent claims herein. No new matter has been added to the application as a result of the amendments submitted herewith.

Reconsideration and further examination are respectfully requested.

### **Claim Rejections – 35 USC § 101**

Claims 1, 4 – 6, 10 – 15, 17, and 18 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Without admitting to the merits of the rejection under 35 USC 101, Applicant submits that independent claims 1, 10, 17, and 18 have each been amended to positively recite “a processor”. Therefore, Applicant respectfully submits that the independent claims and the claims depending therefrom are directed to patentable subject matter per the Final Office Action (FOA).

Applicant requests the reconsideration and withdrawal of the rejection under 35 USC 101.

### **Claim Rejections – 35 USC § 102**

Claims 1, 4 – 6, 10 – 15, 17, and 18 were rejected under 35 U.S.C. 102(e) as being unpatentable by Bell, UK Patent application No. 2,354,608. This rejection is traversed.

Applicant notes that claim 1 relates to a method for performing a netting analysis of a netting agreement, the method including receiving netting agreement information for the netting agreement, the netting agreement information identifying a party, a counterparty, and facts governing the netting agreement, the facts of the netting agreement including: a form of agreement, a governing law, a country of organization, a state or province of organization, a legal structure, a parent company country of organization, and a parent company legal structure; receiving at least one issue associated with the agreement, the at least one issue based on an existence or non-existence of particular facts in the facts governing the netting agreement; comparing, using a processor, the facts governing said netting agreement information with a netting rule that applies to the netting agreement for the at least one issue; and generating a netting determination indicative of an ability of the party and counterparty to net under the netting agreement based, at least in part, on a result of the comparing, the netting determination having an indication of a level of confidence associated with the netting determination that indicates an enforceability of the netting determination in addition to a qualification of the netting determination.

Applicant submits that claims 10, 17, and 18 are worded similar to claim 1 regarding the rejection thereof under 35 USC 102

Applicant notes that claim 1 recites “generating a netting determination indicative of an ability of the party and counterparty to net under the netting agreement based, at least in part, on a result of the comparing, the netting determination having an indication of a level of confidence associated with the netting determination that indicate an enforceability of the netting determination in addition to a qualification of the netting determination.” In particular, each of the independent claims recites “the netting determination having an indication of a level of confidence associated with the netting determination that indicates an enforceability of the netting determination in addition to a qualification of the netting determination.”

Applicant respectfully notes that the cited and relied upon Bell fails to disclose the claimed aspect of “the netting determination having an indication of a level of confidence associated with the netting determination that indicates an enforceability of the netting determination in addition to a qualification of the netting determination.” As a matter of fact, Bell discloses calculating the counterparty credit value of transactions in a proposed agreement provided the status is YES”, as indicated at page 9, lines 14 – 15. Thus, Bell provides a qualification (YES or NO) but fails to disclose the claimed aspect of “an indication of a level of confidence associated with the netting determination that indicates an enforceability of the netting determination”. Furthermore, the additional calculations appearing on pages 9 and 10 do not disclose or even suggest the claimed “an indication of a level of confidence associated with the netting determination that indicates an enforceability of the netting determination”.

Accordingly, Applicant respectfully submits that Bell does not anticipate the pending claims. The reconsideration and withdrawal of the rejection is requested, as is the allowance of the pending claims.

## **C O N C L U S I O N**

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

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